IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO 1 of 1989
in
SPECIAL CIVIL APPLICATION NO 8608 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRAVINCHANDRA MULDAS MAKWANA

Versus

STATE OF GUJARAT

Appearance:
1. LETTERS PATENT APPEAL No. 1 of 1989
MR SURESH M SHAH for Appellant No.
MR MEHUL S SHAH for Appellant No.
MR KT DAVE, AGP, for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of decision: 11/01/2005

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

1. The Appellant - original petitioner had filed Special Civil Application No.8608 of 1988 and challenged the proposed reversion order reverting him from the post of Dy.Mamlatdar to the post of Clerk. On 30.12.1988, learned Single Judge of this Court admitted the petition by issuing Rule on it, but refused interim relief, as prayed for in the petition, against his proposed reversion order by ordering that the reversion of the petitioner shall be subject to the result of the petition. This part of the order refusing interim relief in favour of the appellant - petitioner, passed by the learned Single Judge, was challenged in this Appeal.

2. It appears from the order-sheet of this Appeal that on 3.1.1989 another learned Vacation Judge ordered to issue Notice to the respondent No.2 making it returnable on 11.1.1989 and, by way of interim relief, directed that the respondent shall not revert the appellant - petitioner from the post of Dy.Mamlatdar on certain terms and conditions. Thereafter, on February 20, 1990 this Appeal was admitted by the Division Bench of this Court. Since then it was pending before this Court.

3. Along with this Appeal, Civil Application for stay was also filed and the said Civil Application was allowed by making Rule absolute on it by the Division Bench of this Court in terms of the interim order dated 3.1.1989, passed by the learned Vacation Judge on this Appeal. Thus, under the interim orders of the Court the Appellant - petitioner is protected till today.

4. Today, it is brought to our notice that main Special Civil Application No.8608 of 1998 itself came to be disposed of by the learned Single Judge on 27.4.2000. In that view of the matter this Appeal, arising out of the order passed by the learned Single Judge, would not survive any more and accordingly it is disposed of. No order as to costs.

(B.J.Shethna, J.)

Date : January 11, 2005

(Sharad D.Dave, J.)

sas